

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to sale of payment instruments, so as to provide for the imposition of certain fees upon money transmission transactions completed by financial institutions for persons; to provide for rules and regulations; to provide for compensation to financial institutions for reporting and paying fees; to require a receipt and a notice be given with each transaction; to amend Article 3 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income tax returns and furnishing of information, so as to provide for a tax credit for residents in the amount of certain assessed money transmission transaction fees paid by such residents; to provide for a reimbursement for certain residents in the amount of certain assessed money transmission transaction fees paid by such residents; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to sale of payment instruments, is amended by adding a new Code section to read as follows:

"7-1-699.

(a) Each financial institution, including but not limited to money transmitters, shall collect a fee on each money transmission transaction completed for a person.

(b) The fee provided for in subsection (a) of this Code section shall be:

(1) Ten dollars for each money transmission transaction that is not in excess of \$500.00;
and

(2) Two percent of the monetary amount of the money transmission transaction for each money transmission transaction that is in excess of \$500.00.

(c) The fee provided for in subsection (a) of this Code section shall be paid into the state treasury.

(d)(1) The department shall be authorized to promulgate any rules and regulations necessary for the collection and payment of the fee into the state treasury as provided for under this Code section.

(2) For compensation for reporting and paying the fees provided for under this Code section, each financial institution shall be allowed to deduct and retain 5 percent of the combined total amount of all fees reported due on a return for the collection and payment of fees provided for under paragraph (1) of this subsection; provided, however, that such return is timely filed and the amount due is not delinquent at the time of payment.

(e)(1) The person for whom a money transmission transaction is made shall be provided a receipt by the financial institution contemporaneous with the transaction evidencing the fee that has been assessed pursuant to this Code section.

(2) The person for whom a money transmission transaction is made shall be provided a notice with the receipt provided for under paragraph (1) of this subsection. Such notice shall state that such person may be entitled to an income tax credit or a reimbursement for the amount of the money transmission transaction and information on how such person may obtain such credit or reimbursement. The notice shall be as provided for by rules and regulations of the department and consistent with the purposes of this paragraph."

SECTION 2.

Article 3 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income tax returns and furnishing of information, is amended by adding a new Code section to read as follows:

"48-7-64.

(a)(1) A taxpayer shall be allowed a credit against the tax imposed by Code Section 48-7-20 for the fee paid by and collected from such taxpayer for a money transmission transaction under Code Section 7-1-699. The amount of such credit shall be the amount of such fee paid.

(2) The total amount of the tax credit under this Code section for a taxable year may exceed the taxpayer's income tax liability. No such tax credit shall be allowed the taxpayer against prior years' tax liability.

(b)(1) Any resident for whom a tax is not imposed by Code Section 48-7-20 and who has paid the fee for a money transmission transaction under Code Section 7-1-699 during the preceding calendar year may file a request with the department for reimbursement of the amount of such fee paid in the preceding calendar year. Such request shall be filed by July 1 of the calendar year following the calendar year in which the fee was paid and collected.

(2) Such request shall include all personal identifying information as the department would collect from a resident for whom a tax is imposed by Code Section 48-7-20 and a statement from such resident that he or she does not meet the requirements to have a tax imposed upon him or her by Code Section 48-7-20. The request shall be made as a sworn statement, duly attested to by an authorized officer of the state, on forms provided by the department.

c) The commissioner shall be authorized to promulgate any rules and regulations necessary to implement and administer this Code section."

All laws and parts of laws in conflict with this Act are repealed.

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